

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LELA GILBERT, et al.,

Plaintiffs,

vs.

SPIRIT AIRLINES, INC. et al.,

Defendants.

Case No. 2:12-cv-00930-JCM-PAL

ORDER

(Mtn to Withdraw - Dkt. #5)

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #5) filed September 10, 2012. Joseph L. Benson seeks to withdraw as counsel of record for Plaintiffs Lela Gilbert, Aundrea Gilbert, Rodrick Gilbert, and Jamii Gilbert. The Motion represents that differences have arisen between Plaintiffs and counsel, and Plaintiffs instructed counsel to cease working on this matter. The Motion represents that Plaintiffs have retained new counsel, but the docket reflects that new counsel has not filed a Notice of Appearance in accordance with the Local Rules of Practice. Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.” Plaintiffs filed their Complaint (Dkt. #1) on June 1, 2012. No proof of service appears on the docket, and no Defendant has answered or otherwise appeared. Proof of service is due September 29, 2012, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

1. The Motion to Withdraw as Counsel of Record (Dkt. #5) is GRANTED.
2. Plaintiffs shall have until **October 1, 2012**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice or to file a statement that they will proceed pro se.

3. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.

4. The Clerk of Court shall serve a copy of this Order on Plaintiffs at:


Lela Gilbert
7730 Secret Shore Dr. Apt. 105
Las Vegas, NV 89128

Aundrea Gilbert
1190 E. Seventh St.
Forest, MS 39074

Rodrick Gilbert
5822 Tyndall Ave.
Bronx, NY 10471

Jamii K. Gilbert
2277 S. Grove St.
Ypsilanti, MI 49198

Dated this 14th day of September, 2012.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE